MANSFIELD TOWNSHIP COMMITTEE MEETING

June 10, 2009

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Baldwin made a motion to approve the minutes of the regular meeting held on May 27, 2009, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak Abstain: None

PAYMENT OF BILLS:

Mr. Baldwin made a motion to approve the bill list and addendum, which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Mayor Jewell

Nays: None

Absent: Ms. Nerbak Abstain: None

CFO REPORT:

Mr. Coppola stated that he spoke with Katrina Cambpell, Esq and she stated that Mr. Baldwin's pestering has paid off and that we will be getting the check from the county for the Baldwin Farm property.

Mr. Coppola also stated that himself, Mayor Jewell, and Tom Ferry, auditor went down to the Local Finance Board for the application for the waiver for the budget and that the township was approved for the waiver.

Mr. Watters asked if this was required.

Mr. Coppola stated that this was required for the waiver.

Mr. Baldwin asked if the county was paying the township the interest for the money that they have owed us for 8 years.

Mr. Coppola stated that he does not believe so.

CLERKS REPORT:

Ms. Hrebenak had nothing to report.

ENGINEERS REPORT:

Mr. Mace stated that Washburn Road will be starting next week and that it will probably take about 3 weeks and that there will be a detour up Watters for the time that the work is being done.

Mr. Watters asked about the work that was done on 629 there was settling on the stormdrains and they had to come and blacktop again.

Mr. Mace stated that he does not feeling that this will be a problem.

Mr. Mace stated that Magnum is down to 10 cars.

Mr. Mace also stated that the appliance guy went to court and there was another fine issued and he was told that the property needs to be cleaned up and that the fence needs to be removed and the vans need to be gone also.

Mr. Mace stated that the stormwater ordinances do not need to be adopted until next year, but he would prefer that we work on the ordinances now to get them to fit the township standards.

Mr. Kobert, Esq. asked is this something that we should be enforcing for people that are paving in the next year.

Mr. Mace stated that this is something that is going to take time to educate the contractors.

PUBLIC PORTION:

Ms. Todd asked about working on the stuff for the budget for last year.

Ms. Hrebenak stated that the Resolution for the property auction will need to be approved again because we were not able to have the auction last time due to advertising issues.

RESOLUTION NO. 2009-62

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.SA. 40A:12-13(A) ET SEQ.

WHEREAS, the Local Lands and Buildings Law, <u>N.J.S.A</u>. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements;

WHEREAS, the Township of Mansfield is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property in an effort to put it back on the active tax rolls; and

WHEREAS, the Township of Mansfield, prior to the auction, will offer the right of first refusal to contiguous property owners for any properties which are less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements pursuant to N.J.S.A. 40A:12-13.2.

WHEREAS, there shall be no minimum bid, however, the Township reserves the right to reject all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, that the property set forth in the Schedule "A" annexed hereto shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-12(a). Said public auction shall be conducted on July 11, 2009 at 9:00 am at the Municipal Building, 100 Port Murray Road, Port Murray, New Jersey.

BE IT FURTHER RESOLVED that the subject property shall be offered for public bidding as set forth below and shall be sold pursuant to the further expressed conditions enumerated below:

- 1. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the auction sale. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
- 2. The successful bidder, as indicated by the highest bid, shall be required to deposit 10 percent (10%) of his or her bid with the Township at the time of the auction. This deposit shall be made by either a certified check, money order or cash in an amount equal to at least 10 percent (10%) of the winning bid. All monies so received will be credited toward the total sale price.
- 3. The deposit made by the purchaser is <u>non-refundable</u>, except where the Township is unable to convey marketable title as indicated in paragraph 13 below. <u>The risk of loss is in</u> the purchaser.
- 4. Bidders are required to register for the auction by completing the form in Schedule "B" and including a letter or line of credit. All bidders must appear in person at the auction and

upon becoming the successful bidder must present identifying credentials in compliance with the auction rules stated below:

- a. The Designated Official will start with the auction by reading these auction rules.
- b. Each registered bidder will receive a bidder number. In order to make a bid, a bidder raises their number in the air. The Designated Official will record each bidder's number and bid amount. A bid indication is considered a contractual obligation.
- c. Bidders may not communicate with each other in any manner.
- d. The minimum bid increment is One Hundred Dollars(\$100.00) in U.S. Dollars.
- e. A person bidding on behalf of a corporation, upon becoming the successful bidder, must present a copy of the Certificate of Incorporation and a resolution authorizing that person to bid on behalf of the corporation.
- f. A person bidding on behalf of a partnership or using a trade name upon becoming the successful bidder, must submit a copy of the Certificate of Trade Name (partnership) and a letter of authorization from the other partner(s).
- g. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.
- h. The winning bid will be decided when the highest bid has no counter bids made after three (3) requests.
- 5. The successful bidder shall not sell or otherwise transfer title to the premises, or any part thereof, to a non profit or nontaxable organization for a period of five (5) years from the date of closing on the property.
- 6. The successful bidder(s) shall be required to pay at time of closing of title the cost of legal advertising of the sale of this property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.
- 7. The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be recorded on behalf of the purchaser by the Township Attorney. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.
- 8. The burden is on all successful bidders to obtain any and all variances and/or approvals from the Land Use and Development Ordinance of the Township of Mansfield from the appropriate municipal agency.
- 9. Title is to close within thirty (30) calendar days of confirmation of the bid by the Township Committee at the Township Attorney's office, unless otherwise extended in the sole

discretion of the Township Committee, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then title shall close on the following day. <u>Time is of the essence</u>. **NO POSTPONEMENT OF CLOSING IS PERMITTED UNLESS**:

- a. The Township's title is unmarketable, in which event the Township shall be allowed a reasonable time to, provide clear title and to close. If the unmarketability of title relates to a valid encumbrance against the property, the Township, after being timely notified of this defect by the purchaser, will endeavor to obtain within a reasonable time after such notification a release or discharge of such lien. If the Township is not successful in this regard, then part of the consideration to be paid by the purchaser for his said property shall be in the form of a certified check payable to the lienor for the amount to be paid for such release of discharge.
- b. There is a written request, containing the reasons therefore, made by the purchaser within fifteen (15) calendar days after the confirmation of the sale by the Township Committee and the Township Attorney grants a one time postponement which is not to exceed thirty (30) days.
- 10. All conveyances shall be by deed of bargain and sale from the Township of Mansfield to the successful bidder, to be dated on the date of closing of title.
- 11. The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court of in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge assessment with regard to other properties.
- 12. This sale is also subject to further conditions that if the State of New Jersey or any upland owner has any rights or claim to the land being sold herein by reason of a riparian interest or otherwise, any charges levied or so levied by the State of New Jersey of upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
- 13. All successful bidders are required to conduct all desired title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Township shall be limited to the repayment to the purchaser of the amount of his or her deposit and any portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Township in writing no later than thirty (30) calendar days after the date of confirmation of the sale by the governing body of the Township of Mansfield. Failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
- 14. All prospective purchasers are put on notice that no employee, agent or officer of the Township of Mansfield has authority to waive, modify or amend any of the conditions of sale.
- 15. If the successful bidder was the sole or part owner of the property to be sold at the time the Township acquired title by a tax foreclosure, said bidder may not reacquire the property

directly or indirectly without complying with the following condition: The successful bidder of any property at this auction, by making such bid, thereby agrees to pay the Township at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties due at the time of the judgment of foreclosure was entered and the amount of the successful bid.

- 16. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday Friday, between 9:00 am to 4:00 pm, telephone number (908) 689-6151.
 - d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the purchaser.
- 17. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Township of Mansfield, as a material breach of the conditions of sale whereupon the Township of Mansfield may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Township as its liquidated damages and it may thereafter resell the said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Township of Mansfield by reason of any such default.
- 18. Any descriptions of the properties published by the Township are intended as a general guide only and may not be accurate. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF MANSFIELD AS TO THE CONDITIONS OF THE PROPERTY, SAID PREMISES AND BUILDINGS ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS".
- 19. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Township Committee may impose on any parcel at the time of the sale, including but not limited to, restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall

be operative, or any other conditions of sale in like manner and to the same extend as by any other vendor. All properties and buildings are being sold "AS IS".

- 20. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Mansfield.
- 21. Successful bidders agree to the following conditions:
 - a. To pay prorated property taxes for the balance of the current year as of the date of closing.
 - b. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
 - c. That the failure to close title as agreed shall forfeit to the Township of Mansfield any and all money deposited with the Township.
- 22. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Mayor Jewell made a motion to approve the Resolution for property auction, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mr. Jewell stated that he was advised by Mr. Kobert that Comcast will not be adding the police trailer for the internet connection and that he feels that we should take the contract as it stands now.

Mr. Kobert explained that this contract has been compared to four other towns and it is pretty comparable to the other towns and that he feels that we should authorize him to complete the negotiations and be presented with an ordinance.

Mr. Baldwin stated that he does not agree with this contract.

Mr. Watters stated that he does not agree with this contract either.

Mayor Jewell made a motion to authorize Mr. Kobert to close out negotiations with Comcast, which was seconded by Ms. Nerbak.

Ayes: Ms. Nerbak, Mayor Jewell

Nays: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin

Absent: None Abstain: None

Mr. Kobert, Esq. stated that he would let Mr. Smith know that the Township Committee is still not pleased with the Comcast Agreement.

RESOLUTION:

RESOLUTION 2009-58

MANSFIELD TOWNSHIP LIQUOR LICENSE RENEWAL 2009-2010

WHEREAS, the following establishments have made application for renewal of Liquor Licenses for the license term 2009-2010:

1. Bensi of Mansfield, LLC #2116-33-001-003

2.	Pasta Grill	#2116-33-009-008
3.	Mansfield Bottle King	#2116-44-003-005
4.	Ruby Tuesday	#2116-33-002-003
5.	Bhavind Kartik, LLC	#2116-33-006-007

WHEREAS, the appropriate fees have been paid to the Municipality and the State of New Jersey Division of Alcoholic Beverage Control; and

NOW, THEREFORE, BE IT RESOLVED, by the Mansfield Township Committee that the foregoing Liquor License Applications be approved for the licensing year 2009-2010.

Mr. Watters made a motion to approve the passage of Resolution 2009-58, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None Abstain: None

2009-59 RESOLUTION Overpayment of Taxes

WHEREAS, the following property has an overpayment of 2009 property taxes;

WHEREAS, this overpayment occurred due to the bank and the title company both paying second quarter taxes and the homeowner requesting a refund;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day of June 2009 that the Tax Collector and Finance Officer can refund the following overpayment:

Block 1807 Lot 11 Darrell & Lynn Haytaian 27 Canterbury Lane Hackettstown, NJ 07840 \$2,790.91

Mr. Baldwin made a motion to approve the passage of Resolution 2009-59, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

2009-60

RESOLUTION LIEN REDEMPTION

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day of June 2009 that refund is to be made to the certificate holder as noted:

CERTIFICATE HOLDER BLOCK/LOT CERT # AMOUNT

Harmony Financial Services, LLC 301/12 2008-02 \$11,780.62

759 Bloomfield Ave. #246 West Caldwell, NJ 07006

Ms. Nerbak made a motion to approve the passage of Resolution 2009-60, which was seconded by Mr. Baldwin.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

2009-61

RESOLUTION Return of Premium

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed within five (5) years of the tax sale, and a premium of \$20,000.00 was paid at the time of the sale;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day of June 2009 that the \$20,000.00 premium is to be returned to the certificate holder as noted:

CERTIFICATE HOLDER BLOCK/LOT CERT #
Harmony Financial Services, LLC 301/12 2008-02
759 Bloomfield Ave. #246

759 Bloomfield Ave. #246 West Caldwell, NJ 07006

Ms. Nerbak made a motion to approve the passage of Resolution 2009-61, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

BUDGET PRESENTATION:

Mr. Coppola stated that when you look at the budget minus the grants

Mayor Jewell opened the floor for public comment on the budget;

Mr. Thierault asked about a salary increase that is included in the budget.

Mayor Jewell stated that this is for the court which was a shared service with Oxford.

Mr. Coppola explained the salary and that money are offset by funds from the other towns.

Ms. Nerbak made a motion to adopt the 2009 Budget, which was seconded by Mayor Jewell.

Ayes: Ms. Nerbak, Mayor Jewell

Nays: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin

Absent: None Abstain: None

Mr. Coppola asked if the Township Committee would like to have another budget meeting or is there someplace where they would suggest to reduce the money.

Mr. Tomaszewski stated that he does not agree with doing the pension deferral.

Ms. Nerbak stated that she also did not like having to do the pension deferral, but that we could pay back the money in a quicker time and save some of the money. Ms. Nerbak stated that the Township Committee has reviewed the budget all the way around and there really is nothing that has not been adjusted and we are working on many different things to save money like the change in the electric and the energy audit.

Mr. Kobert stated that Mr. Tomaszewski has a valid point but the Township Committee is put into a corner as far as the budget and there really is not much that can be done with the budget

Mr. Watters made a motion to approve the budget and requested that the results be advertised, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell went through a couple of notes that he had taken today down at the Local Finance Board meeting.

CAPITAL ORDINANCE:

Firs t Reading

Mayor Jewell introduced Capitol Ordinance 09-03;

ORDINANCE NUMBER – CA-09-03

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$16.550 FOR IMPROVEMENTS TO PUBLIC BUILDINGS

WHEREAS, there is a need for improvements to be made to township facilities including a computerized fuel management system;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$16,550 is hereby appropriated from capital surplus in the general capital fund for improvements to public buildings.
- 2. There is no debt incurred by this Ordinance.
- 3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Ms. Nerbak made a motion to introduce Capitol Ordinance 09-03 and requested that the public hearing by advertised for June 24, 2009 at 8:00pm, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell introduced Capitol Ordinance 09-04;

ORDINANCE NUMBER - CA-09-04

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$700 FOR OFFICE EQUIPMENT

WHEREAS, there is a need to purchase new office equipment including a typewriter;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$700 is hereby appropriated from capital surplus in the general capital fund for office equipment.
- 2. There is no debt incurred by this Ordinance.
- 3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Ms. Nerbak made a motion to introduce Capitol Ordinance 09-04 and requested that the public hearing by advertised for June 24, 2009 at 8:00pm, which was seconded by Mr. Baldwin.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell introduced Capitol Ordinance 09-05;

ORDINANCE NUMBER - CA-09-05

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$9,530 FOR POLICE EQUIPMENT

WHEREAS, there is a need to purchase various new police equipment including a typewriter;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$9,530 is hereby appropriated from capital surplus in the general capital fund for police equipment.
- 2. There is no debt incurred by this Ordinance.

This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Baldwin made a motion to introduce Capitol Ordinance 09-05 and requested that the public hearing by advertised for June 24, 2009 at 8:00pm, which was seconded by Mr. Tomaszewski

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell introduced Capitol Ordinance 09-06;

ORDINANCE NUMBER - CA-09-06

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$100,000 FOR ROAD CONSTRUCTION AND RECONSTRUCTION

WHEREAS, there is a need to improve various township roads;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$19,000 is hereby appropriated from capital surplus in the general capital fund.
- 2. The amount of \$81,000 is hereby appropriated form the Capital improvement Fund.

- 3. There is no debt incurred by this Ordinance.
- 4. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Tomaszewski made a motion to introduce Capitol Ordinance 09-06 and requested that the public hearing by advertised for June 24, 2009 at 8:00pm, which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Second Reading

Mayor Jewell opened the public hearing for Capitol Ordinance 09-01; seeing as there were no comments the public hearing was closed.

ORDINANCE NUMBER - CA-09-01

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$65,632 FOR PURCHASE OF EMERGENCY VEHICLES

WHEREAS, there is a need for a emergency vehicles of the fire departments and emergency squad;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$65,513 is hereby appropriated from capital surplus in the general capital fund
- 2. There is no debt incurred by this Ordinance.
- 3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Watters made a motion to approve the passage of Capitol Ordinance 09-01 and requested that the results be advertised, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell opened the public hearing for Capitol Ordinance 09-02; seeing as there were no comments the public hearing was closed.

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY, APPROPRIATING \$16,376 FOR PURCHASE OF ROAD EQUIPMENT

WHEREAS, there is a need for road equipment for the Department of Public Works;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey, as follows:

- 1. The amount of \$16,376 is hereby appropriated from capital surplus in the general capital fund.
- 2. There is no debt incurred by this Ordinance.
- 3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Baldwin made a motion to approve the passage of Capitol Ordinance 09-02 and requested that the results be advertised, which was seconded by Ms. Nerbak

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

ORDINANCE:

Second Reading

Mayor Jewell opened the public hearing for Ordinance 2009-10; seeing as there were no comments the public hearing was closed.

ORDINANCE 2009-10 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2810 LOT 12

WHEREAS, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2810 Lot 12

and

WHEREAS, Constantino & Frances Licciardello, a contiguous owner of property to Block 2810 Lot 12 has offered the assessed value of said property, \$2300.00, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Constantino & Frances Licciardello;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

- 1. Block 2810 Lot 12 on the Tax Map of the Township of Mansfield is not needed for public purposes.
- 2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$2,300.00 to be paid in hand by Constantino & Frances Licciardello, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2810 Lot 12 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.
- 3. This Ordinance shall become effective immediately upon publication as required by law.

Ms. Nerbak made a motion to approve the passage of Ordinance 2009-10 and requested that the results be advertised, which was seconded by Mr. Baldwin.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

Mayor Jewell opened the public hearing for Ordinance 2009-11;

Matthew Theriault was present and asked what the other fees would be for the transfer of the property.

Mr. Kobert, Esq. stated that he would find out and let the clerk know and that she would forward this information on to Mr. Theriault.

Mayor Jewell asked if there were any other comments from the public; seeing as there were no comments the public hearing was closed.

ORDINANCE 2009-11 TOWNSHIP OF MANSFIELD WARREN COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2704 LOT 14

WHEREAS, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2704 Lot 14

and

WHEREAS, Matthew Theriault, a contiguous owner of property to Block 2704 Lot 14 has offered the assessed value of said property, \$2300.00, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Matthew Theriault;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

- 1. Block 2704 Lot 14 on the Tax Map of the Township of Mansfield is not needed for public purposes.
- 2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$2,300.00 to be paid in hand by Matthew Theriault, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2704 Lot 14 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.
- 3. This Ordinance shall become effective immediately upon publication as required by law.

Mr. Baldwin made a motion to approve the passage of Ordinance 2009-11 and requested that the results be advertised, which was seconded by Ms. Nerbak.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None Absent: None Abstain: None

COMMITTEE PERSON COMMENTS:

Ms. Nerbak had nothing to report.

Mr. Baldwin had nothing other than the report from the DPW.

Mr. Tomaszewski had nothing to report, but congratulated Mr. Watters on the election last Tuesday.

Mr. Watters stated that there is a request from Mansfield Township Fire to give a recognition to 4 individuals from the fire last week and that he is waiting for the names. Mr. Watters stated that the fire companies all agreed that everything worked out very well.

Mayor Jewell stated that maybe there should be a subcommittee to work on the awards for the fire departments.

Mayor Jewell stated that on the Planning Board level Wal Mart has been approved for changes around the store.

Mr. Watters stated that the square footage will actually be less than what they have now.

Mr. Baldwin made a motion to adjourn at 8:33 pm., which was carried by all.